

ARGUMENTS

Rejection of Claims on Art Grounds in the 06/04/2004 Office Action, and Traversal Thereof

In the 06/04/2004 Office Action, claims 1-136 were rejected on prior art grounds, under 35 U.S.C. 102(b) and 35 U.S.C 103(a).

Claims 1, 2, 9 - 11, 13-17, 18, 20, 21, 23, 62, 70 – 72, 74 – 78, 79, 81, 82, 84, 123 –126 were rejected under 35 U.S.C. 102(e) as being anticipated by Hicks (U.S. 6,654,954).

Claims 3-4, 22,24,-33, 34 – 44, 45 – 51, 52 – 61, 64, 65, 83, 85 – 94, 95 – 105, 106 – 122, 113 – 122, 129, 129-135 and 136 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (U.S. 6,654,954) in view of Timbol (U.S. 6,237,135).

Claims 5-7 and 66-68 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks (U.S. 6,654,954) in view of Timbol (U.S. 6,237,135), and further in view of Mansurov et al. (U.S. 6,346,945) (hereinafter referred to as Mansurov).

Applicant asserts that the prior art references cited by the examiner do not anticipate nor do they make obvious the claims of the current invention. The above rejections of the claims 1-136 on the stated art and utility grounds are traversed, and consideration of the patentability of the claims 1-136 is requested, in light of the foregoing remarks. Favorable action is therefore requested.

Regarding Claim 1, the amended application refers to the following:

[a] method in a data processing system, comprising the steps of: providing a software development tool that is operable by a user to automatically modify source code, wherein the software development tool is capable of performing the following sub-steps: receiving an identification of a ***data structure with an attribute field*** in a ***database***; determining whether the data structure is associated with ***source code***; when it is determined that the data structure is associated with source code, determining whether the

attribute field of the data structure is associated with an attribute in the source code; and when it is determined that the attribute field is not associated with an attribute in the source code, generating a new attribute in the source code from the attribute field; and operating the software development tool to automatically modify the source code.

Comparison with the Hicks reference indicates that the present application claims a different invention. The present application, as amended, incorporates a software development tool, which is operable by a user to automatically modify source code (see the underlined text, above). The Hicks patent discloses an optimization system for "retrieval and execution of executable files" (column 1, lines 10-12). The two inventions are fundamentally different.

Furthermore, the italicized terms, above, correlate with the following items from the Hicks patent:

| <u>Present Application</u> | <u>Hicks Patent</u> |
|---|-------------------------------|
| <i>Data structure with an attribute filed</i> | <i>File header attributes</i> |
| <i>Source code</i> | <i>Alternate program code</i> |
| <i>Database</i> | <i>[not present]</i> |

The Hicks patent does not disclose the use of a database as the source of the data structure with an attribute field; the present invention does. The presence of the data structure in the database is inherent to the use of the present application's software development tool, as seen in Fig. 2 of the present application. The database is notably absent from the Hicks patent and the reason for this discrepancy is that the Hicks patent is fundamentally different from the present application because Hicks does not provide a software developer tool, but rather provides an optimization scheme for executable code.

Regarding claims 2-17, these claims are all dependent claims of claim 1 which has been asserted to be fully patentable. Therefore, because patentable material is inherently a part of these claims, claims 2 through 17 are also asserted to be fully patentable on the basis of depending from a patentable claim.

Regarding claims 18-61, these claims are alternate versions of the claimed method discussed above (claim 1). Of those claims, the independent claims 18, 24, 24, 45, and 52 have been similarly amended as in claim 1. The patentability of these claims is supported by the above arguments supporting the patentability of claim 1.

Regarding claims 62-122, these are computer-readable medium versions of the claimed method discussed above (claim 1). Of those claims, the independent claims 62, 79, 85, 95, 106, and 113 have been similarly amended as in claim 1. The patentability of these claims is supported by the above arguments supporting the patentability of claim 1.

Regarding claims 123-136, these are data processing system versions of the claimed method discussed above (claim 1). Of those claims, the independent claims 123, 129, and 136 have been similarly amended as in claim 1. The patentability of these claims is supported by the above arguments supporting the patentability of claim 1.

Regarding the § 103(a) obviousness rejections, the above claims are patentable and non-obvious for the foregoing reasons, which overcome the § 102(e) rejections.

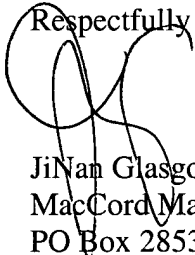
CONCLUSION

In view of the foregoing, claims 1-136, constituting the claims pending in the application, are submitted to be fully patentable and in allowable condition to address and overcome the rejections.

If any issues remain outstanding, incident to the allowance of the application, Examiner Shrader is respectfully requested to contact the undersigned attorney at (919)-664-8222 or via email at [jinang@trianglepatents.com](mailto:jingang@trianglepatents.com) to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant, consistent with the applicant's making of a substantial advance in the art and particularly pointing out and distinctly claiming the subject matter that the applicant regards as the invention.

This Office Action Response is submitted to the USPTO via USPS Express Mail on November 30, 2004.

Respectfully submitted,



Jinan Glasgow #42585
MacCord Mason, PLLC
PO Box 28539
Raleigh, NC 27611-8539
919-664-8222
919-664-8625 (fax)